

United States District Court
Eastern District of North Carolina
Western Division

FILED

JUL 08 2024

PETER A. MOORE, JR., CLERK
U.S. DISTRICT COURT, EDNC
BY X DEP CLK

Case No. 5:24-CT-3165-M

(To be filled out by Clerk's Office only)

RODNEY ELROY COBBBS

MARGRAT A. Hutzenbiker

(In the space above enter the full name(s) of the plaintiff(s).)

Inmate Number 0080370

(See Attachment Sheet)

-against-

COMPLAINT

(Pro Se Prisoner)

HELEN PRATT, TYISHA SELLARS, WPD DET. CARDIELLEA

BARKSDALE, WPD OFFICER TIMOTHY NOONAN, WPD OFFICER

JACOB ZENTER, WPD CSI KIM BAERDEN, WPD CSI DET. ROBERT THOMAS,

WPD OFFICER RONALD KNOFF, WPD REBECCA SIXTO, WPD OFFICER EARL LIPPERT

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Section IV. Do not include addresses here.)

Jury Demand?

☒ Yes

☐ No

NOTICE

Federal Rule of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

I. COMPLAINT

Indicate below the federal legal basis for your claim, if known. This form is designed primarily for pro se prisoners challenging the constitutionality of their conditions of confinement, claims which are often brought under 42 U.S.C. § 1983 (against state, county, or municipal defendants) or in a "Bivens" action (against federal defendants).

- ☒ 42 U.S.C. § 1983 (state, county, or municipal defendants)
- ☐ Action under *Bivens v. Six Unknown Federal Narcotics Agents*, 403 U.S. 388 (1971) (federal defendants)
- ☐ Action under Federal Tort Claims Act (United States is the proper defendant; must have presented claim in writing to the appropriate Federal agency and received a notice of final denial of the claim pursuant to 28 U.S.C. § 2401(b))

II. PLAINTIFF INFORMATION

RODNEY ELROY COBBS
Name

0080370
Prisoner ID #

TABOR CORRECTION #1
Place of Detention

4600 * SWAMP FOX HWY WEST
Institutional Address

TABOR CITY
City

N.C.
State

28463
Zip Code

III. PRISONER STATUS

Indicate whether you are a prisoner or other confined person as follows:

- ☐ Pretrial detainee ☐ State ☐ Federal
- ☐ Civilly committed detainee
- ☐ Immigration detainee
- ☒ Convicted and sentenced state prisoner
- ☐ Convicted and sentenced federal prisoner

IV. DEFENDANT(S) INFORMATION

Please list the following information for each defendant. If the correct information is not provided, it could result in the delay or prevention of service. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant 1: Helen DENISE PRATT
Name
4611 McClelland DR. Apt. 240-E
Current Job Title
N/A
Current Work Address
Wilmington N.C. 28401
City State Zip Code
Capacity in which being sued: ☐ Individual ☐ Official ☒ Both

Defendant 2: Tyisha SELLARS
Name
N/A
Current Job Title
4611 McClelland DR. Apt. 204-E
Current Work Address
Wilmington N.C. 28401
City State Zip Code
Capacity in which being sued: ☐ Individual ☐ Official ☐ Both

Defendant(s) Continued

Defendant 3: WPD Det. CARDIELLA BARKSDALE
Name
Wilmington Police Detective
Current Job Title
615 BESS Street
Current Work Address
Wilmington N.C. 28401
City State Zip Code

Capacity in which being sued: ☐ Individual ☐ Official ☒ Both

Defendant 4: WPD OFFICER TIMOTHY NOONAN
Name
~~615 BESS Street~~ Wilmington Police Officer
Current Job Title
615 BESS Street
Current Work Address
Wilmington N.C. 28401
City State Zip Code

Capacity in which being sued: ☐ Individual ☐ Official ☒ Both

See Attachment
Sheet!

(Attachment sheet to page 1#)

NHSD 1st Sgt Tonya Reynolds & Bosby → 3950th Juvenile Center Rd. Wilmington NC 28429

Cpl. Meares OR Other Jail Call Custodian → 3950th Juvenile Center Rd. Wilmington NC 28429

Rachel Perry - EMT → 2131 S. 17th Street, Wilmington, N.C. 28401

Savannah Hill Spence, ANSANE → 2131 S. 17th Street Wilmington, N.C. 28401

Teannia Borg - Analyst → 181 E. Tryon Rd. Raleigh, N.C. 27603

Sharonda Bennett 4627th McDelland Dr. Apt 101 Wilmington, N.C. 28401

James Vaughan NP

Deborah Cottle OR Other 911 Custodian → 3950 Juvenile Center Rd. Wilmington NC 28429

Arika Sidbury - WPD 615 Bess Street, Wilmington, N.C. 28401

Margaret A Hutzenebiler, WPD → P.O. Box 1810 Wilmington, NC 28402

Wilmington
Police
Department

V. STATEMENT OF CLAIM

Place(s) of occurrence: Wilmington, N.C. 4611 * McClelland DR. Apt. 240-E

Date(s) of occurrence: July 30, 2021

State which of your federal constitutional or federal statutory rights have been violated:

5th, 6th, 8th and 14th Amendment of the Constitution

State here briefly the FACTS that support your case. Describe how each defendant was personally involved in the alleged wrongful actions, state whether you were physically injured as a result of those actions, and if so, state your injury and what medical attention was provided to you.

FACTS:

Who
did what to
you?

These individuals AS State witnesses committed perjury under oath, ON OR ABOUT JANUARY 22, 2021, These individuals testify to fatally defective indictment, Alleging that a First degree Forcible Rape and First degree Sex Offense, took place At 4611 McClelland DR. Wilmington, NC Apt 240-E which is a Defendant in this case AS A victim; These are the others that testify of these false Allegations, Helen Pratt, Tyisha Sellers, W.P.D. Det. Carljellen Barksdale, W.P.D. Officer, Timothy Norman, W.P.D. Officer Jacob Zentner, W.P.D. CSI, Kim Breeden, W.P.D. CSI Det. Robert Thomas W.P.D. Officer Ronald Knopf, W.P.D. Rebecca Sixto, W.P.D. Officer, Eric Lippert NHSD 1st Sgt. Tonya Reynolds Crosby, Debora Cottle, OR other 911 custodian Cpl. Mearns, OR other 911 call custodian

EMT, Rachel Perry, RN, SANE, Savannah Hill, Analyst, Jeannie Berg Sharonda Beannette, James Vaughan, W.P.D. Arika Sidbury, W.P.D. Margaret A. Hutzenbiller, How I was injured physically, by being deprived with life and my liberties, here is proof that these Defendants committed perjury under oath. These Laboratory Results show I did not commit OR supposedly to Receive A conviction it show my innocent of the Alleged offense Page 5 of 10

What
happened
to you?

I WAS ARRESTED ON AUGUST 5, 2021 ON THESE FALSE ACCUSATION OF
FIRST DEGREE FORCIBLE SEX OFFENSE, FIRST DEGREE FORCIBLE RAPE
ON JANUARY 22, 2024, WENT TO TRIAL FOUND GUILTY OF SECOND DEGREE
FORCIBLE SEX OFFENSE, AND SECOND DEGREE FORCIBLE RAPE, RECEIVED
146 TO 236 MONTHS CONSECUTIVE AND INTIMIDATING WITNESS I RECEIVED
I MEAN ATTEMPT INTIMIDATING WITNESS, I RECEIVED 25 TO 39 MONTHS
IN THE LAB REPORT, NONE OF THESE THINGS TOOK PLACE, HOWEVER,
EACH OF THESE INDIVIDUALS DEPRIVE MY FREEDOM ALMOST 3 YRS.
THEY HAVE DIMINISHED MY LIFE LIBERTIES, THEY HAVE CAUSED FOR
ME TO HAVE BEEN DEPRIVED OF PROPER MEDICAL TREATMENT
I WAS USING A CANE, BECAUSE I'M CONFINED TO A WHEELCHAIR
BECAUSE I HAVE RHEUMATOID ARTHRITIS, IN LEFT HIP NOW IT
IS MOVING TO MY RIGHT HIP.

When did it
happen to
you?

THIS EVENT HAPPENED JULY 30, 2021

Where did it
happen to
you?

NEW HANOVER COUNTY, WILMINGTON, NORTH CAROLINA

What was
your
injury?

By being confined in New Hanover County Detention Center, Wilmington, N.C. I did not get proper medical treatment, I'm now wheel chair in order to get around. My injury of this is deprive life liberty, I will be 112 yrs. old when I'm release, mentally, physically emotionally. Death sentence. That's my injury confined for life. I'm being held within an institution with some of the notorious killers, rapist, murders, and etc. My mind has a disadvantage. Am I going to make it out. My life is at a stand still, because of perjury that these individuals, the Judge, Prosecutor, Lawyer, Law enforcement, Nurses, Lab Analyst, All these individuals has crash my of freedom by perjury. I wake up at time in a cold sweat thinking Am I going to see societies again, this trauma is unimaginable, stress, agony of where you'll be tomorrow. Walking pass or out behind the door. It's sad when you stress and pray for another day it's humiliating when you don't know what's next especially when you know for a fact you're innocent. My injury in this confinement is unjust mentally and physically my health is declining because I'm not getting properly treated. I'm not with my love ones hearing every day the life struggles, in this environment being at a disadvantage, being a subject because I already have several disabilities mentally, physically, emotionally, and out of it all, I'm hoping, praying, and trusting that someone actually see the truth, and let them be held accountable for their unjust acts I am doom with stress, that's my injuries...

VI. ADMINISTRATIVE PROCEDURES

WARNING: Prisoners must exhaust administrative procedures before filing an action in federal court about prison conditions. 42 U.S.C. § 1997e(a). Your case may be dismissed if you have not exhausted your administrative remedies.

Have you filed a grievance concerning the facts relating to this complaint? ☐ Yes ☒ No

If no, explain why not:

BECAUSE OF THE FACT, MY ISSUE IS UPON THE CITY OF WILMINGTON
N.C. AND THEIR UNJUST JUDICIAL SYSTEM.

Is the grievance process completed?

☐ Yes ☒ No

If no, explain why not:

VII. RELIEF

State briefly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

I WANT THE COURT UPON VIEW THE LABORATORY RESULT RELEASE ME
BECAUSE NO CRIME HAS BEEN COMMITTED, AND ALLOW ME THE SUM
OF \$25,000,000.00

VIII. PRISONER'S LITIGATION HISTORY

The "three strikes rule" bars a prisoner from bringing a civil action or an appeal in forma pauperis in federal court if that prisoner has "on three or more occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. §1915(g).

Have you brought any other lawsuits in state or federal court while a prisoner?

☒ Yes ☐ No

If yes, how many? 2

Number each different lawsuit below and include the following:

- Name of case (including defendants' names), court, and docket number
- Nature of claim made
- How did it end? (For example, if it was dismissed, appealed, or is still pending, explain below.)

2 Appeal

BEN DAVID, Connie Jordan, Richard HARRELL, Ricardo Jensen

BEN DAVID & Connie Jordan # 5:23-cv-03312-FL-RJ

HAVE NOT RECEIVED THE # FOR RICHARD HARRELL AND RICARDO JENSEN.

IX. PLAINTIFF'S DECLARATION AND WARNING

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending or modifying existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Each Plaintiff must sign and date the complaint and provide prison identification number and prison address.

7/2/2024
Dated

Rodney E. Cobbs
Plaintiff's Signature

Rodney Elroy Cobbs
Printed Name

0080370
Prison Identification #

4600th Swamp Fox Hwy. Tabor City N.C. 284163
Prison Address City State Zip Code

CERTIFICATE OF SERVICE

I hereby certify that a copy of the inclosed documents titled Complaint LAWSUIT, has been forward to the below list following via Clerk of United States District Court

1- Helen D. Pratt, 4611 McClelland DR. Apt. 240E
Wilmington, N.C. 28401

2- Tyisha Sellers, 4611 McClelland DR. Apt. 240-E
Wilmington, N.C. 28401

3- WPD Det. CARDIELEA BARKSDALE, 615 Bess Street
Wilmington, N.C. 28401

4- WPD Officer, Timothy Noonan, 615 Bess Street
Wilmington, N.C. 28401

5- N.H.S.O 1st Sgt. TONYA Reynolds Crosby, 3950 Juvenile Center Rd.
Wilmington, N.C. 28429

6- Cpl. MEARES, DR other Jail call custodian, 3950 Juvenile Center
Rd. Wilmington, N.C. 28429

7- Rachel Perry, EMT 2131 S. 17th Street, Wilmington, NC 28401

8- RN SANE, SAVANNAH Hill Spence, 2131 S. 17th Street
Wilmington, N.C. 28401

9- Analyst, Jeannie Berg, 121 E. Tryon Rd. Raleigh, N.C. 27603

10- Sharnia B. Bennett, 4627 McClelland DR. Apt. 101

Wilmington N.C. 28401

DE1043